

### **REMARKS/ARGUMENTS**

Claims 1-7, 9-15 and 20-24 are pending in this application. Claims 6, 8, and 16-19 were previously cancelled. No claims have been amended, added, or cancelled with the filing of this response.

Applicants thank the Examiner for indicating that the rejection of claim 1 under 35 U.S.C. § 112, second paragraph has been withdrawn.

Applicants also thank the Examiner for re-indicating that claims 4, 7, 9, 11-12 and 20-24 are only objected to for depending upon a rejected base claim, but would be otherwise allowable.

Reconsideration of the application is kindly requested in view of the remarks below.

### **Rejection under 35 U.S.C. § 102(b)**

The rejection of claims 1-3, 5, 10, 13-15 under 35 U.S.C. § 102(b) as anticipated by WO 00/50473 to Nakata is respectfully traversed for reasons of record and the reasons indicated below.

As Applicants have previously pointed out, the ethylene-methacrylic acid copolymers disclosed by Nakata et al. are not waxes as evidenced by the MFR (page 3, line 27 in Nakata) but high-molecular weight resins. For the Office's convenience, please find enclosed a chapter from Ullmann's Encyclopedia. We also enclose an article dealing with molecular weight and melt flow index of various polymers but not the copolymers indicated in the current claims.

In particular, from the Ullmann's Encyclopedia, especially pages 147 and 150, it can be seen that polyethylene waxes are polymers but have a comparably low molecular weight. The molecular weight is too low for an MFR such as described in Nakata et al. Thus, the MFR of the polyethylene waxes need not be measured but is immeasurable.

Therefore, for at least these reasons, the present claims are novel and unobvious over the Nakata et al. Accordingly, withdrawal and reconsideration are respectfully requested.

### **CONCLUSION**

In view of the above response, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00109-US from which the undersigned is authorized to draw.

Dated: February 12, 2010

Respectfully submitted,

Electronic signature: /Bryant L. Young/  
Bryant L. Young  
Registration No.: 49,073  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 293-6229 (Fax)  
Attorney for Applicant

Attachments